



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/602,485

06/24/2003

Andrew R. Ferlitsch

SLA1290

1107

50735 7590 10/02/2007  
MADSON & AUSTIN  
15 WEST SOUTH TEMPLE  
SUITE 900  
SALT LAKE CITY, UT 84101

EXAMINER

PHAM, THIERRY L

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

10/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/602,485

Applicant(s)

FERLITSCH, ANDREW R.

Examiner

Thierry L. Pham

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2625

### DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 7/27/07.
- 1-20 & 22-25 are currently pending; claim 21 has been canceled.

### *Specification*

The disclosure is objected to because of the following informalities: **Brief Summary of the Invention** is missing from the specification. Appropriate correction is required. Note: Summary of the Invention *is required* for the specification.

Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raney (US 20020063880) Tanaka (US 6519048).

Regarding claim 1, Raney discloses Regarding claim 1, Raney discloses a method for monitoring (monitoring a print job, par. 25) an imaging job in a computer system (printing system, fig. 1), the method comprising:

- sending (sending via network 102, fig. 1) an imaging job to an imaging device (imaging devices 110, fig. 1);
- creating a background process (via using device monitoring software 216, fig. 2) on a computer system for monitoring the status (monitoring print job status, figs. 4-5) of the imaging job, wherein the computer system includes a despooling subsystem (despooling system 316, fig. 3), and wherein the background process is initiated by the despooling subsystem (despooling subsystem includes a device monitoring system for monitoring print job status, fig. 1, par. 27-28;
- sending a status message (sending print job status from printer to host device, par. 25) to the computing device; and
- receiving (receiving via network as shown in fig. 1) the status message by the background process (figs. 4-5),
- wherein the status message is sent by the imaging device (sending print job status from printer to host device, par. 25) in response to successful completion (job completion, par. 25) of the imaging job or an error occurring.

Raney discloses an example of transmitting a status message from an image forming apparatus to the client computer, but does not explicitly teach and/or suggest how a network address of a computing device is obtained.

Tanaka, in the same field of endeavor for transmitting status message (fig. 7) from printer to host device, teaches a well-known example of obtaining a network address of a computer device (network address extracting means, figs. 8-9, col. 5, lines 35-45 and col. 7, lines 28-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify printing system of Raney to include a network address extracting means for extracting network address of computing device as taught by Tanaka (1) so status message regarding the print job can be sent to the correct address (i.e. owner of the print job, col. 2, lines 64-67 of Tanaka) and to prevent sending status message to authorized users; (2) printer's error can be resolved timely and efficiently (col. 10, lines 37-44 of Tanaka).

Therefore, it would have been obvious to combine Raney with Tanaka to obtain the invention as specified in claim 1.

Regarding claim 2, Raney further discloses the method of claim 1, further comprising delaying return to a print spooler until after the imaging job is completed (par. 25).

Regarding claim 3, Raney further discloses the method of claim 1, further comprising taking control of descheduling and clearing of the imaging job from a print spooler by a print processor (printer server 108, fig. 1).

Regarding claim 4, Raney further discloses the method of claim 1, wherein the imaging device is selected from the group consisting of a printer, a scanner, a fax machine, a copier and a document server (fig. 1).

Regarding claim 5, Raney further discloses the method of claim 1, further comprising using a protocol (network protocol, fig. 1) for communications between the computing device and the imaging device.

Regarding claim 6, Tanaka further teaches the method of claim 1, further comprising embedding the network address in the imaging job (fig. 3, 7-8).

Regarding claim 7, Raney further discloses method of claim 1, further comprising extracting (par. 31) the network address from a connection.

Regarding claim 8, Raney further discloses the method of claim 1, further comprising sending the network address (network address of sender is inherently included in order to transmit status, par. 31-32) from the computing device to the imaging device.

Regarding claim 9, Raney further discloses the method of claim 1, wherein the status message includes an identifier that enables the computing device to direct the status message to the processing listening for the message, and wherein the identifier is selected from the group consisting of a port, a file, a directory, an FTP address, an SNMP trap and an email address (email, par. 31).

Regarding claim 10, Raney further the method of claim 2, further comprising notifying a print processor of the status message after (par. 32-33) the status message has been received by the background process.

Regarding claim 11, Raney further discloses the method of claim 10, further comprising terminating the background process.

Regarding claim 12, Raney further discloses the method of claim 11, further comprising returning control back to the print spooler and indicating success/failure (par. 31-33) of the imaging job to the print spooler.

Regarding claim 13, Raney further discloses the method of claim 12, further comprising performing job recovery (par. 31-34) by the print spooler if the job recovery is necessary.

Regarding claim 14, Raney further discloses the method of claim 1, further comprising returning control back (fig. 4-5) to the print spooler.

Regarding claim 15, Raney further discloses the method of claim 1, further comprising descheduling and clearing (par. 23) of the imaging job by the background process.

Regarding claim 16, Raney further discloses the method of claim 1, wherein the background process runs asynchronously (fig.4-5). Also see figs. 5-7 of Tanaka for details.

Regarding claims 17-20 recite limitations that are similar and in the same scope of invention as to those in claims 1-3 and 10 above (respectively); therefore, claims 17-20 are rejected for the same rejection rationale/basis as described in claims 1-3 and 10 above (respectively).

Regarding claim 22, Raney discloses a system (printing system, fig. 1) for monitoring an imaging job in a computer system, the system comprising:

- a computing device (ref. 104, fig. 1);
- an imaging device (ref. 110, fig. 1) in electronic communication with the computing device;
- executable instructions (software in memory 210, fig. 2) executable on the computing device (ref. 104, fig. 2), wherein the executable instructions are configured to implement a method comprising:
  - sending (sending via network 102, fig. 1) an imaging job to an imaging device;
  - creating a background process (via using device monitoring software 216, fig. 2) on a computer system for monitoring the status (monitoring print job status, figs. 4-5) of the imaging job, wherein the computer system includes a despooling subsystem (despooling system 316, fig. 3), and wherein the background process is initiated by the despooling subsystem (despooling subsystem includes a device monitoring system for monitoring print job status, fig. 1, par. 27-28);
  - sending a status message (sending print job status from printer to host device, par. 25) to the computing device using the network address; and
  - receiving (receiving via network as shown in fig. 1) the status message by the background process,
  - wherein the status message is sent by the imaging device (sending print job status from printer to host device, par. 25) in response to successful completion (job completion, par. 25) of the imaging job or an error occurring.

Raney discloses an example of transmitting a status message from an image forming apparatus to the client computer, but does not explicitly teach and/or suggest how a network address of a computing device is obtained.

Tanaka, in the same field of endeavor for transmitting status message (fig. 7) from printer to host device, teaches a well-known example of obtaining a network address of a computer device (network address extracting means, figs. 8-9, col. 5, lines 35-45 and col. 7, lines 28-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify printing system of Raney to include a network address extracting means for

extracting network address of computing device as taught by Tanaka (1) so status message regarding the print job can be sent to the correct address (i.e. owner of the print job, col. 2, lines 64-67 of Tanaka) and to prevent sending status message to authorized users; (2) printer's error can be resolved timely and efficiently (col. 10, lines 37-44 of Tanaka).

Therefore, it would have been obvious to combine Raney with Tanaka to obtain the invention as specified in claim 22.

Regarding claim 23, Raney further discloses the system of claim 22, further comprising delaying return to a print spooler until after the imaging job is completed (par. 25).

Regarding claim 24, Raney further discloses the system of claim 22, further comprising taking control of descheduling and clearing of the imaging job from a print spooler by a print processor (printer server 108, fig. 1).

Regarding claim 25, Raney further discloses the system of claim 22, further comprising notifying a print processor of the status message after (par. 32-33) the status message has been received by the background process.

### ***Response to Arguments***

Applicant's arguments filed 7/27/07 have been fully considered but they are not persuasive.

- Regarding to independent claims 1, 17, and 22, the applicant argued the cited prior art (US 20020063880 to Raney) of record fails to teach and/or suggest creating a background process on a computer system for monitoring the status of the imaging job, wherein the background process is initiated by the despooling system.

In response, the examiner disagrees. Raney clearly teaches a method for creating a background process on a computer system for monitoring the status of the imaging job, wherein the background process is initiated by the despooling system (despooling subsystem includes a device monitoring system for monitoring print job status, fig. 1, par. 27-28). System as taught by Raney's teaching is to monitor the "health" condition of the print system including print job status (e.g. job completion status, par. 25). In addition, par. 25 which also teaches despooler 316



Art Unit: 2625

can monitor and identify the problems with the printer and wherein if the printer error is existed, then therefore, print job status also affected (e.g. incompleteness job status due to printer's error) and such status will be sent from the printer to the client (par. 25). Moreover, the secondary reference by Tanaka (US 6519048) also teaches a well-known example of a print system that requests, monitors and identifies the print job status and wherein the print job status is transmitted from the printer back to client based upon the extracted network address that were embedded in the print job.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 5898823 to Sorkin et al, teaches a well-known example of monitoring print job status.
- US 20020075508 to Luman, teaches a well-known example of initiating a print job status request and to monitor print job status.
- US 5995723 to Sperry et al, teaches a well-known example of initiating a print job status request and to monitor print job status.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

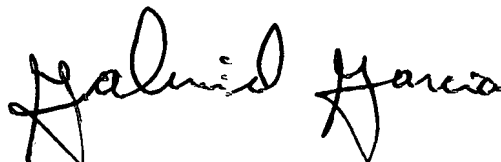
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

Art Unit: 2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham

A handwritten signature in black ink, appearing to read 'Gabriel Garcia', with a stylized, cursive script.

GABRIEL GARCIA  
PRIMARY EXAMINER